

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Graczyk et al.**

Application No: **10/509,128**

Group Art Unit: **1626**

Filed: **July 28, 2005**

Examiner: **Loewe, Sun Jae Y.**

For: **Azaindoles as Inhibitors of C-JUN N-Terminal Kinases for Treatment of Neurodegenerative Disorders**

Attorney Docket No: **102286.154US1**

Commissioner of Patents
PO Box 1450
Alexandria, VA 22313-1450

Response to Restriction Requirement

I. Introductory Comments

This response is submitted in reply to the Restriction Requirement dated September 12, 2007, for which a response is due on or before November 13, 2007 (November 12, 2007 is a federal holiday), with a one-month extension of time. Applicants petition for a one-month extension of time to respond to the outstanding Restriction Requirement.

Other than the fees related to the one-month extension of time, no other fees are believed to be due in connection with this filing. However, the Commissioner is authorized to charge any necessary fees or credit any overpayments to Deposit Account No. 08-0219 to maintain the pendency of the present application.

II. Restriction Requirement

The Examiner restricted the invention as follows:

Group I	Claims 1-16, 28-30 and 32	Drawn to products of Formula I wherein Z=oxygen, X=NR ⁵ , R=phenyl or naphthyl.
Group II	Claims 1-16, 28-30 and 32	Drawn to products of Formula I not covered by Group I.
Group III	Claim 17	Drawn to prodrugs of compounds of Formula I.
Group IV	Claims 18-27 and 31	Drawn to the process of making products of Group I.
Group V	Claims 18-27 and 31	Drawn to process of making products of Group II.
Group VI	Claims 33-40, 48 and 49	Drawn to the process of using products of Group I for treatment.
Group VII	Claims 33-40, 48 and 49	Drawn to the process of using products of Group II for treatment
Group VIII	Claims 58-60	Drawn to process of using products of Group I for activity assay.
Group IX	Claims 58-60	Drawn to process of using products of Group II for activity assay.

III. Response to Restriction Requirement

Applicants elect Group I, claims 1-16, 28-30, and 32 relating to products of Formula I, wherein Z is oxygen, X is NR⁵, and R is phenyl or naphthyl.

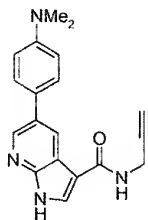
Applicants reserve the right to rejoin the claims relating to the process of making products of Group I, the process of using products of Group I for treatment, and the process of using products of Group I for activity assay.

Further, Applicants respectfully disagree with the Examiner's conclusion that the claims of the present application are directed to more than one species of the generic invention, as they are held to relate to compounds encompassed by the generic definition of Formula (I), obtained by bearing the substituents R, R', and R''. The claims of the present application relate to compounds substituted at both the 3- and the 5-position. The core structure linking the subject matter of groups I-IX is therefore a 7-azaindole substituted at both the 3- and the 5-position.

Such a core structure is not disclosed in the Kruber document and the claims therefore do not lack unity.

IV. Response to Election of Species

Applicants elect the third compound appearing in Table 1 on page 42 of the application, as shown below:



Applicants respectfully submit that they are entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim.

V. Conclusion

Applicants respectfully submit that the pending claims are in condition for allowance. An early and favorable consideration and allowance of the claims is respectfully requested.

Respectfully submitted,

Henry H. Gu
Attorney for Applicants
Registration No. 55,227

Dated: November 13, 2007
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109
Phone: (617) 526-6652